

State of California  
State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**

P.O. Box 2000, Sacramento, CA 95812-2000

Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

WORKING Copy

STATE WATER RESOURCES  
CONTROL BOARD  
DIVISION OF WATER RIGHTS  
SACRAMENTO

2003 JUL 22 PM 3:36

APPLICATION No. 31433

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## APPLICATION TO APPROPRIATE WATER

31433

### 1. APPLICANT

Mineral Resources, LLC (530) 534-9565  
(Name of applicant) (Telephone - between 8 a.m. and 5 p.m.)

100 A Gold Dredger Drive Oroville CA 95965  
(Mailing address) (City or town) (State) (Zip code)

### 2. SOURCE

- a. The name of the source at the point of diversion is Unnamed water course  
*MORRIS RAVINE TRENCE*  
tributary to Feather River (Thermalito Diversion Pool) *TRENCE SACRAMENTO RIVER*  
(If unnamed, state that it is an unnamed stream, spring, etc.)
- b. In a normal year does the stream dry up at any point downstream from your project? YES  NO   
If yes, during what months is it usually dry? From May to November  
What alternate sources are available to your project should a portion of your requested direct diversion season be excluded because of a dry stream or nonavailability of water? Canal and wells

### 3. POINTS of DIVERSION and REDIVERSION

- a. The point(s) of diversion will be in the County of Butte See Exhibit B for Road map to Plant  
and within Assessor's Parcel Number (APN #) 41-300-03

b.

List all points giving coordinate distances from section corner or other tie as allowed by SWRCB regulations i.e. California Coordinate System	Point is within (40-acre subdivision)	Section	Township	Range	Base and Meridian
SW Corner N 41.8 degrees E <u>cac 0000 2062 2</u>	SW <u>1/4 of NE 1/4</u>	<u>29</u>	<u>20N</u>	<u>4E</u>	<u>MD</u>
<u>+ 691154 ft + 2. 2127720 ft</u>	<u>1/4 of 1/4</u>				
	<u>1/4 of 1/4</u>				

- c. Does applicant own the land at the point of diversion? YES  NO   
d. If applicant does not own the land at point of diversion, state name and address of owner and what steps have been taken to obtain right of access: See Exhibit A

"The energy challenge facing California is real. Every California needs to take immediate action to reduce energy consumption.  
For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>".  
Additional copies of this form and water right information can be obtained at [www.waterrights.ca.gov](http://www.waterrights.ca.gov).

Month of maximum use during year is \_\_\_\_\_ Month of minimum use during year is \_\_\_\_\_

POPULATION		MAXIMUM MONTH		ANNUAL USE		
PERIOD	5-Year periods until use is completed	Average daily use (gal per capita)	Rate of diversion (gal per capita)	Average daily use (gal per capita)	Acre-foot (per capita)	Total acre feet
Present						

e. MUNICIPAL: (estimated projected use)

d. RECREATIONAL: Type of recreation: Fishing  Swimming  Boating  Other

(Field lot, dairy, range, etc.)

c. STOCKWATERING: Kind of stock \_\_\_\_\_ Maximum number \_\_\_\_\_ Description type of operation \_\_\_\_\_

(Dust control areas, number and kind of domestic animals, etc.)

b. DOMESTIC: Number of residences to be served is \_\_\_\_\_. Separately owned? YES  NO  Total number of people to be served is \_\_\_\_\_. Estimated daily use per person is \_\_\_\_\_. Total area of domestic lawns and gardens is \_\_\_\_\_. Estimated daily use per person is \_\_\_\_\_. Total area of domestic lawns and gardens is \_\_\_\_\_. Estimated daily use per person is \_\_\_\_\_. (Gallons per day) (square feet) (Gallons per day) (square feet) (Gallons per day) (square feet)

CROP	ACRES	METHOD OF IRRIGATION	ACRE-FEET	PER YEAR	BEGINNING DATE	ENDING DATE
NORMAL SEASON						

a. IRRIGATION: Maximum area to be irrigated in any one year is \_\_\_\_\_ acres.

### 5. JUSTIFICATION of AMOUNT

b. Total combined amount taken by direct diversion and storage during any one year will be .39 .46 acre-feet

PURPOSE (Irrigation, Domestic, etc.)	QUANTITY	SEASON OF DIVERSION	AMOUNT	COLLECTION SEASON	STORAGE
OF USE	DIRECT DIVERSION				

a. In the table below, state the purpose(s) for which water is to be appropriated, the quantities of water for each purpose, and the dates between which diversions will be made. Use gallons per day if rate is less than 0.025 cubic foot per second (approximately 16,000 gallons per day).

### 4. PURPOSE of USE, AMOUNT and SEASON

f. HEAT CONTROL: The total area to be heat protected is \_\_\_\_\_ net acres.

Type of crop protected is \_\_\_\_\_

Rate at which water is applied to use is \_\_\_\_\_ gpm per acre.

The heat protection season will begin about \_\_\_\_\_ and end about \_\_\_\_\_.

(Date)

(Date)

g. FROST PROTECTION: The total area to be frost protected is \_\_\_\_\_ net acres.

Type of crop protected is \_\_\_\_\_

Rate at which water is applied to use is \_\_\_\_\_ gpm per acre.

The frost protection season will begin about \_\_\_\_\_ and end about \_\_\_\_\_.

(Date)

(Date)

h. INDUSTRIAL: Type of industry is \_\_\_\_\_

Basis for determination of amount of water needed is \_\_\_\_\_

i. MINING: The name of the claim is Morris Ravine Mine. Patented  Unpatented

The nature of the mine is Open pit mining. Mineral to be mined is silica sand

Type of milling or processing is washing and sizing.

After use, the water will be discharged into the earth as it drains from the silts, clays and sand.

in NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 29, T 20N, R 4E, MD B. & M.  
(Name of stream)  
(40-acre subdivision)

j. POWER: The total fall to be utilized is \_\_\_\_\_ feet. The maximum amount of water to be used through the penstock is \_\_\_\_\_ cubic feet per second. The maximum theoretical horsepower capable of being generated by the works is \_\_\_\_\_. Electrical capacity is \_\_\_\_\_ kilowatts at \_\_\_\_\_% efficiency.

(Cubic feet per second x fall ÷ 8.8) (Ap x 0.746 + efficiency)

After use, the water will be discharged into \_\_\_\_\_  
(Name of stream)  
in \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_, T \_\_\_\_\_, R \_\_\_\_\_, B. & M. FERC No. \_\_\_\_\_  
(40-acre subdivision)

k. FISH AND WILDLIFE PRESERVATION AND/OR ENHANCEMENT: YES  NO  If yes, list specific and habitat type that will be preserved or enhanced in item 10 of Environmental Information form APP-ENV.

l. OTHER: Describe use: \_\_\_\_\_. Basis for determination of amount of water needed is \_\_\_\_\_

## 6. PLACE OF USE

a. Does applicant own the land where the water will be used? YES  NO  Is land in joint YES  NO  ownership?  
(All joint owners should include their names as applicants and sign the application.)

If applicant does not own land where the water will be used, give name and address of owner, and state what arrangements have been made with the owner. See Exhibit A

b. USE IS WITHIN (40-ACRE SUBDIVISION)	SECTION	TOWNSHIP	RANGE	BASE & MERIDIAN	IF IRRIGATED	
					Number of acres	Presently cultivated (Y/N)
NW $\frac{1}{4}$ of NE $\frac{1}{4}$	29	20N	4E	MD		
$\frac{1}{4}$ of $\frac{1}{4}$						
$\frac{1}{4}$ of $\frac{1}{4}$						
$\frac{1}{4}$ of $\frac{1}{4}$						
$\frac{1}{4}$ of $\frac{1}{4}$						

(If area is unsurveyed, state the location as if lines of the public land survey were projected, or contact the Division of Water Rights. If space does not permit listing all 40-acre tracts, include on another sheet or state sections, townships and ranges, and show detail on map.)

7. DIVERSION WORKS						
a. Diversions will be by gravity by means of N/A						
b. Diversions will be by pumping from reservoir (Dam, pipe in unobstructed channel, pipe through dam, siphon, wet, gate, etc.)	(Depth of the well N/A) (Sump, off-set well, channel, reservoir, etc.) (Gfs or Gpd) Pump discharge rate 50,000 Horseshoe 125					
c. Conduit from diversion point to first lateral or to offstream storage reservoir:						
CONDUIT MATERIAL (Type of pipe or channel) (Indicate if pipe is buried or not) (Pipe diameter or ditch depth and top and bottom width) LENGTH TOTAL LIFT OR FALL CAPACITY (Estimate)						
Pipe Aluminum 4 inches 400' 130' + 200 g/m						
DAM RESERVOIR Name or number Vertical height from downstream toe of slope to spillway level (ft.) Construction Dam length Freeboard Dam height above spillway crest (ft.) Approximate surface area when full Maximum water depth						
Chereraux Pond 24 feet clay & rip rap 275 feet 5 feet 1.485 19 acre-feet 20 feet						
e. Offstream reservoirs: (For underground storage, complete Supplement I to APP, available upon request)						
Storage reservoirs: (For underground storage, complete Supplement I to APP, available upon request)						
CONDUIT MATERIAL CROSS SECTIONAL DIMENSION LENGTH TOTAL LIFT OR FALL CAPACITY (Estimate)						
Pipe (Type of pipe or channel) (Indicate if pipe is buried or not) (Pipe diameter or ditch depth and top and bottom width) LENGTH TOTAL LIFT OR FALL CAPACITY (Estimate)						
d. Storage reservoirs: (For underground storage, complete Supplement I to APP, available upon request)						
e. Offstream reservoirs having a capacity of 10 acre-feet or more.						
f. If water will be stored and the reservoir is not at the point of diversion, the maximum rate of diversion to offstream storage will be _____ cfs. Diversion to offstream storage will be made by: <input type="checkbox"/> Pumping <input type="checkbox"/> Gravity						
g. Year work will start _____ b. Year work will be completed dam is completed _____ c. Year water will be used to the full extent intended _____ d. If completed, year of first use 2003						
a. Name of the post office most used by those living near the proposed point of diversion is _____						
b. Does any part of the place of use comprise a subdivision on file with the Department of Real Estate? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>						
c. Does any part of the subdivision _____ if yes, state name of the subdivision _____						
d. Name of the post office most used by those living near the proposed point of diversion is _____						
e. Overall						
9. GENERAL						
a. Year work will start _____ b. Year work will be completed dam is completed _____ c. Year water will be used to the full extent intended _____ d. If completed, year of first use 2003						
b. Does any part of the place of use comprise a subdivision on file with the Department of Real Estate? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>						
c. If no, is subdivision of these lands contemplated? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>						
d. Is it planned to individually meter each service connection? YES <input type="checkbox"/> NO <input type="checkbox"/>						
e. List the names and addresses of diverses of water from the source of supply downstream from the proposed point of diversion? None						
f. Is the source used for navigation, including use by pleasure boats, for a significant part of each year at the point of diversion, or does the source substantially contribute to a waterway which is used for navigation, including use by diversions?						

## 10. EXISTING WATER RIGHT

Do you claim an existing right for the use of all or part of the water sought by this application? YES  NO   
If yes, complete table below:

Nature of Right (riparian, appropriative, groundwater)	Year of First Use	Purpose of use made in recent years including amount, if known	Season of Use	Source	Location of Point of Diversion

## 11. AUTHORIZED AGENT (Optional)

With respect to  all matters concerning this water right application  those matters designated as follows:

(Name of agent)

(Telephone number of agent between 8 a.m. and 5 p.m.)

(Mailing address)

(City or town)

(State)

(Zip code)

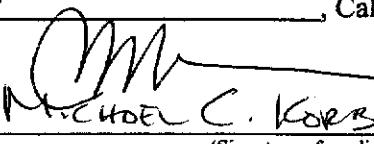
is authorized to act on my behalf as my agent.

## 12. SIGNATURE OF APPLICANT

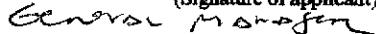
I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated 6/18/2003 at Oroville, California

Ms. Mr.  
Miss. Mrs.

  
Michael C. Kops

(Signature of applicant)

  
General Manager

(If there is more than one owner of the project,  
please indicate their relationship.)

Ms. Mr.  
Miss. Mrs.

(Signature of applicant)

Additional information needed for preparation of this application may be found in the Instruction Booklet entitled "HOW TO FILE AN APPLICATION TO APPROPRIATE WATER IN CALIFORNIA". If there is insufficient space for answers in this form, attach extra sheets. Please cross-reference all remarks to the numbered item of the application to which they may refer. Send original application and one copy to the STATE WATER RESOURCES CONTROL BOARD, DIVISION OF WATER RIGHTS, P.O. Box 2000, Sacramento, CA 95812-2000, with \$100 minimum filing fee.

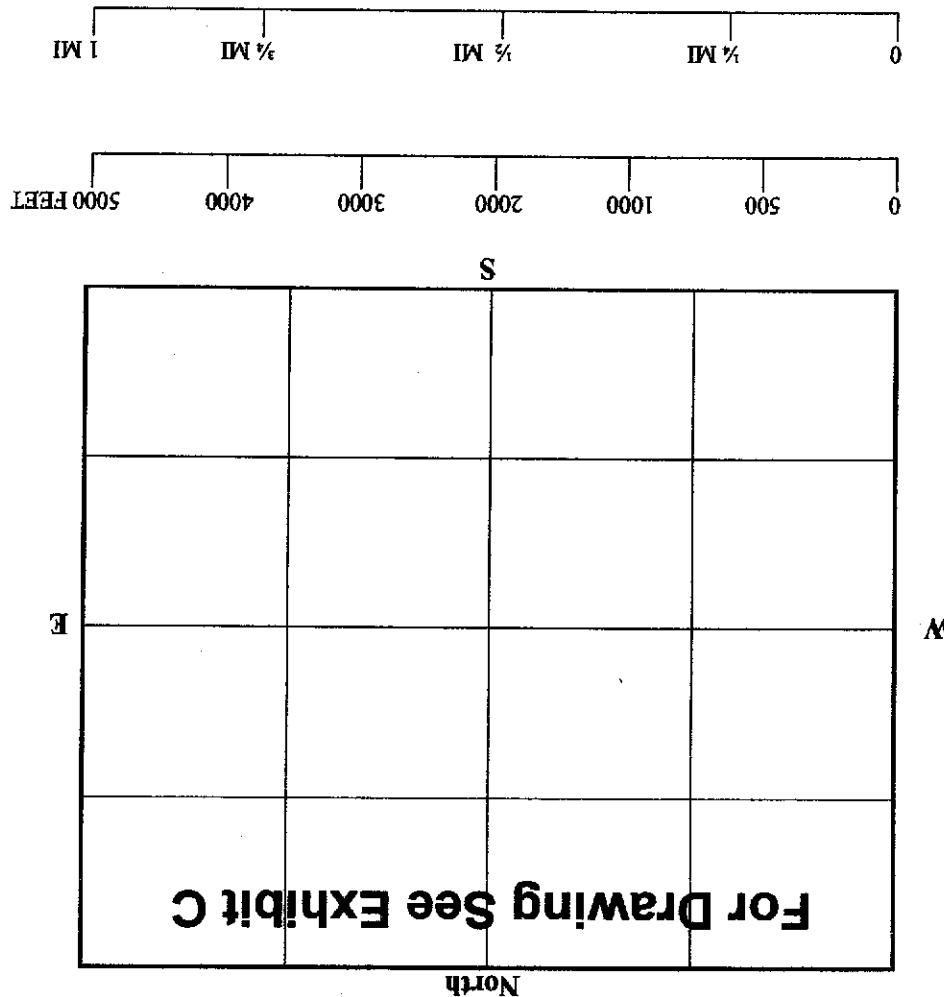
### NOTE:

If this application is approved for a permit, a minimum permit fee of \$100 will be required before the permit is issued.

- b. If you are applying for a permit, Environmental Information form APP-ENV should be completed and attached to this form.
- a. If you are applying for a permit, Environmental Information form APP-ENV should be completed and attached to this form.

#### 14. SUPPLEMENTAL INFORMATION

- (1) Show location of the stream or spring, and give name.
- (2) Locate and describe the point of diversion (i.e. the point at which water is to be taken from the stream or spring) in the following way: Begin at the most convenient known corner of the public land survey, such as a section or quarter section corner (if on unsurveyed land more than two miles from a section corner, begin at a mark or some natural object or permanent monument that can be readily found and recognized) and measure directly north or south until opposite the point which it is desired to locate; then measure directly east or west to the desired point. Show these distances in figures on the map as shown in the instructions.
- (3) Show location of the main ditch or pipeline from the point of diversion.
- (4) Indicate clearly the proposed place of use of the water.



SECTION(S) \_\_\_\_\_ 29 SECTION(S) \_\_\_\_\_ 29  
TOWNSHIP 20 N RANGE 4E MD B & M

13. MAP (Please complete legibly, with as much detail as possible, or attach a suitable alternative. See example in instruction booklet.)

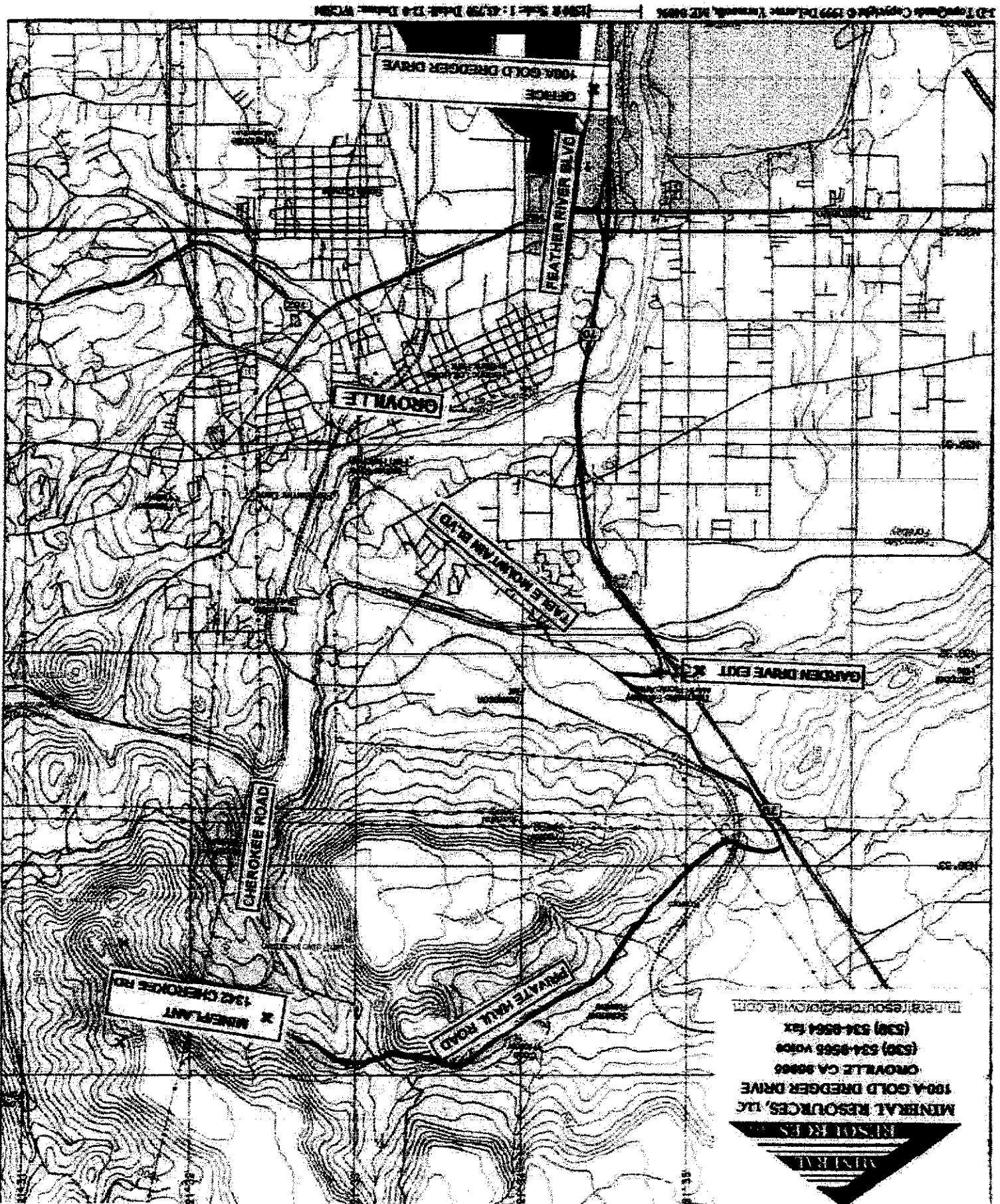
**Mineral Resources, LLC**  
**Application to Appropriate Water**

**Exhibit A**

Question 2.d.

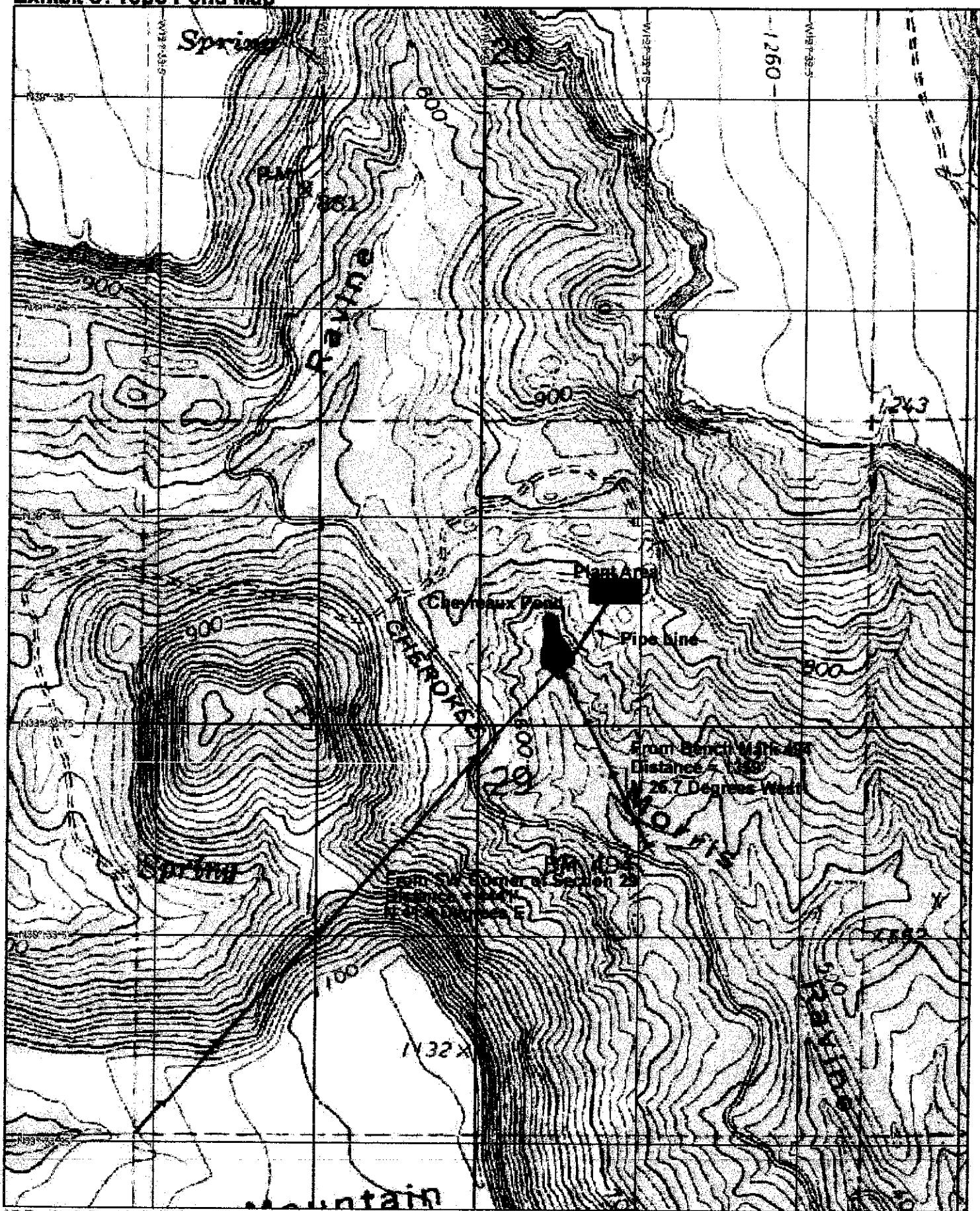
Question 6.a.

Name	Address	Telephone
Goodall Estate Co. Russell D. Keil, Jr. President	Keil Estate Management Company Keil Building 244 Kearny St 3 <sup>rd</sup> Floor San Francisco, CA 94108	Bus: (415) 781-5546 Fax: (415) 781-3939



Mineral Resources, LLC  
Application to Appropriate Water  
Exhibit B: Road Map to Plant

**Mineral Resources, LLC**  
**Application to Appropriate Water**  
**Chevreux Pond**  
**Exhibit C: Topo Pond Map**



The Chevereaux Pond was constructed in January 2002. See Exhibit A

- Provide a description of your project, including but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated and project operation, including how the water will be used.

#### PROJECT DESCRIPTION

The following information will aid in the environmental review of your application as required by the California Environmental Quality Act (CEQA). IN ORDER FOR YOUR APPLICATION TO BE ACCEPTED AS COMPLETED, ANSWERS TO THE QUESTIONS LISTED BELOW MUST BE COMPLETED TO THE BEST OF YOUR ABILITY. Failure to answer all questions may result in your application being returned to you, causing delays in processing. If you need more space, attach additional sheets. Additional information may be required from you to amplify further or clarify the information requested in this form.

APPLICATION NO. 31434

(THIS IS NOT A CEQA DOCUMENT)

#### ENVIRONMENTAL INFORMATION

#### APPLICATION TO APPROPRIATE WATER BY PERMIT

Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.watcrights.ca.gov>

P.O. Box 2000, Sacramento, CA 95812-2000

#### DIVISION OF WATER RIGHTS

State Water Resources Control Board

State of California

STATE WATER RESOURCES  
CONTROL BOARD  
DIVISION OF WATER RIGHTS  
APRIL 2001 EDITION  
SACRAMENTO

2003 JUL 22 PH 3:36

## GOVERNMENTAL REQUIREMENTS

Before a final decision can be made on your water right application, we must consider the information contained in an environmental document prepared in compliance with the requirements of CEQA. If an environmental document has been prepared, a determination must be made as to who is responsible for the preparation of the environmental document for your project. The following questions are designed to aid us in that determination.

2. Contact your county planning or public works department for the following information:

- a. Person contacted Mr. Dan Breedon Date of contact Constant contact  
Department Planning Dept Telephone (530) 538-7629
- b. Assessor's Parcel No. 41-300-03
- c. County Zoning Designation Unclassified
- d. Are any county permits required for your project? Conditional Use Permit  
If yes, check appropriate space below:  
Grading Permit, Use Permit, X Watercourse  
Obstruction Permit, Change of Zoning, General Plan  
Change, Other (explain):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- e. Have you obtained any of the required permits described above? Yes  
If yes, provide a complete copy of each permit obtained.

3. Are any additional state or federal permits required for your project? NO (i.e., from Federal Energy Regulatory Commission, U.S. Forest Service, Bureau of Land Management, Soil Conservation Service, Department of Water Resources (Division of Safety of Dams), Reclamation Board, Coastal Commission, State Lands Commission, etc.) For each agency from which a permit is required provide the following information:

Permit type \_\_\_\_\_  
Person (s) contacted \_\_\_\_\_ Agency \_\_\_\_\_  
Date of contact \_\_\_\_\_ Telephone ( ) \_\_\_\_\_

4. Has any public agency prepared an environmental document for any aspect of your project?

If so, please submit a copy of the latest environmental document (s) prepared, including a copy of the notice of determination adopted by the public agency. If not, explain below whether you expect that a public agency other than the State Water Resources Control Board will be preparing

- an environmental document for your application or whether the applicant, if it is a California public agency, will be preparing the environmental document for your project; Butte County prepared a Negative Declaration with the issuance of the Conditional Use Permit. The original Notice of Determination has been lost by Butte County. Please contact Mr. Dan Breeden, Senior Planner, Butte County. See Exhibit C
- Note: When completed, please submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Resources Control Board processing of your application cannot proceed until such documents are submitted. 5. Will your project, during construction or operation, generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or cause erosion, turbidity or sedimentation? No If so, explain:
- If yes or you are unsure of your answer, contact your local Regional Water Quality Control Board for the following information (See attachment for address and telephone number): Will a waste discharge permit be required for your project? No Person contacted Mr. Scott Zaitz 530 224-4784 Date of contact Constant Contact What method of treatment and disposal will be used?

If yes or you are unsure of your answer, contact your local Regional Water Quality Control Board for the following information (See attachment for address and telephone number): Will a waste discharge permit be required for your project? No Person contacted Mr. Scott Zaitz 530 224-4784 Date of contact Constant Contact What method of treatment and disposal will be used?

Do you know of any archaeological or historic sites located within the general project area? If so, explain: A Cultural Resources Assessment was prepared for a proposed pipeline route that was in this general area. See Exhibit D

No Have any archaeological reports been prepared on this project, or will you be preparing an archaeological report to satisfy another public agency? No

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## ENVIRONMENTAL SETTING

7. Attach **THREE COMPLETE SETS** of color photographs, clearly dated and labeled, showing the vegetation currently existing at the following locations:
- Along the stream channel immediately downstream from the proposed point(s) of diversion
  - Along the stream channel immediately upstream from the proposed point(s) of diversion
  - At the place(s) where the water is to be used
- Note:** It is very important that you submit no less than **three complete sets of photographs** as required above. If less than three sets are submitted, processing of your application will be delayed until you furnish the remaining sets!
8. From the list given below, mark or circle the general plant community types which best describe those which occur within your project area (Note: See footnote denoted by \* under Question 11 below): [REDACTED]

bit E

### Tree Dominated Communities

Subalpine Conifer  
Red Fir  
Lodgepole Pine  
Mixed Conifer  
Sierran Mixed Conifer  
White Fir  
Klamath Mixed Conifer  
Douglas-Fir  
Jeffrey Pine  
Ponderosa Pine  
Eastside Pine  
Redwood  
Pinyon-Juniper  
Juniper  
Aspen  
Closed-Cone Pine-Cypress  
Montane Hardwood-Conifer  
Montane Hardwood  
Valley Foothill Hardwood  
Blue Oak Woodland  
Valley Oak Woodland  
Coastal Oak Woodland  
Valley Foothill Hardwood-Conifer  
Blue Oak-Digger Pine  
Eucalyptus  
Montane Riparian  
Valley Foothill Riparian  
Desert Riparian  
Palm Oasis  
Joshua Tree

### Shrub Dominated Communities

Alpine Dwarf-Shrub  
Low Sage  
Bitterbrush  
Sagebrush  
Montane Chaparral  
Mixed Chaparral  
Chamise-Redshank Chaparral  
Coastal Scrub  
Desert Succulent Shrub  
Desert Wash  
Desert Scrub  
Alkali Desert Scrub

### Herbaceous Dominated Communities

Annual Grassland  
Perennial Grassland  
Wet Meadow  
Fresh Emergent Wetland  
Saline Emergent Wetland  
Pasture

### Aquatic Communities

Riverine  
Lacustrine  
Estuarine  
Marine

### Developed Communities

Cropland  
Orchard-Vineyard  
Urban

- This water course only has water during extremely high rain periods. The habitat did not support fish.  
 10. Identify the typical species of fish which occur in the source(s) from which you propose to divert water and discuss whether or not any of these fish species or their habitat has been or would be affected by your proposed changes. (Note: See footnote denoted by \* under Question 11 below):

#### FISH AND WILDLIFE CONCERNS

- Rare Plant Survey and Wetlands Assessment prepared for pipeline. See Exhibit E  
 At the time of construction this information was not gathered. For general information see enclosed water development.
9. Provide below an estimate of the type, number, and size (trunk/system diameter at chest height) of trees and large shrubs that are planned to be removed or destroyed due to implementation of the proposed changes. Consider all aspects of your application, including changes in diversion structures, water distribution and use facilities, and changes in the place of use due to additional trees and large shrubs that are planned to be removed or destroyed due to implementation of the proposed changes. Water distribution and use facilities, and changes in the place of use due to additional structures, water distribution and use facilities, and changes in the place of use due to additional water development.

and Game, Wildlife Habitat Relationships (WHR) Program # (916) 653-7203).  
 166 pp. (Note: You may view a copy of this document at our public counter at the address given at the top of this form or you may purchase a copy by calling the California Department of Fish and Game, Wildlife Habitat Relationships (WHR) Program # (916) 653-7203).  
 Habitats of California. California Department of Forestry and Fire Protection, Sacramento.  
 Literature Source: Meyer, K.E., and W.F. Laudenslayer, Jr., (eds), 1988. A Guide to Wildlife

11. Identify the typical species of riparian and terrestrial wildlife in the project area and discuss whether or not any of these species and/or their habitat has been or would be affected by your project through construction of water diversion and distribution works and/or changes in the place of water use. (Note: See footnote denoted by \* below):

This area is the typical dry low foothills of the Sierra Nevada range. Our crews have now worked this area for three years and have seen only the normal wildlife such as deer, jack rabbits, and wild turkeys. This project should be beneficial to wildlife. The reservoir will retain water for most of the year creating a better habitat for support of wildlife than is normally available in the waterless foothills.

\*Note: The purposes of Question 10 and 11 are to provide a preliminary assessment of the presence of typical plant and animal species in the area and whether these species might be affected by your project. Detailed site surveys to quantify populations of specific species or determine the presence of rare or endangered species may be required at a later date. It is very important that you answer these questions accurately. If you are unable to obtain appropriate answers from your local California Department of Fish and Game biologists (See attachment for address and telephone number) or you do not have adequate information or expertise to complete your answers, you should hire a fishery consultant and/or a wildlife consultant to review your project and prepare suitable answers for you. For information on available qualified fishery or wildlife consultants near you, consult your local telephone directory yellow pages under Environmental and Ecological Services, or call the California Environmental Protection Agency, Registered Environmental Assessor (REA) Program, at (916) 324-6881 or the University of California, Cooperative Extension Service (See your local telephone directory white pages).

12. Does your proposed project involve any construction or grading-related activity which has significantly altered or would significantly alter the bed or bank of any stream or lake? No

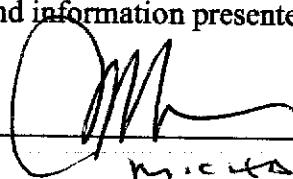
If so, explain:

#### CERTIFICATION

I hereby certify that the statements I have furnished above and in the attached exhibits are complete to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date 6/18/03

Signature



michael c. forb  
General Manager

**Exhibit A: Project Description**

Mineral Resources, LLC  
Application to Approve Water by Permit Environmental Information  
Cheveroux Pond

In January 2002 Mineral Resources, LLC was issued a Clean-up and Abatement Order No R-5. In January 2003 by the Regional Water Quality Control Board. This reservoir was enhanced immediately by Mineral Resources, LLC to prevent further storm water pollution. After construction the project was inspected by Mr. Will Bishop of the Department of Fish and Game. He requested a letter that explained our actions and said he would forward it with a report to his superiors. The complete letter explaining the project is attached as "Exhibit B".

In January 2003 Mr. Bill Pennington from the Department of Water Resources Division of Safety of Dams inspected the Lower Retention Pond Dam No 1343. As a result of this inspection and intradepartmental communications the Division of Water Rights has informed us that we must complete a "Water Right Application".

Mineral Resources, LLC  
Application to Appropriate Water by Permit Environmental Information  
Chevreux Pond

Exhibit B: Fish and Game Letter

Mineral Resources LLC  
2775 Feather River Blvd. Suite C  
Oroville, CA 95965

March 2, 2002

Mr. Will Bishop  
Fish and Game Warden  
State of California  
Department of Fish and Game  
Sacramento Valley-Central Sierra Region  
P.O. Box 126  
Durham, CA 95938

Phone/Fax (530) 343-7339

Dear Mr. Bishop:

This letter is in response to your request that I clarify the reasoning and the actions that I undertook to repair the existing inadequate stormwater structures and to construct additional stormwater control structures that were necessary to prevent erosion of sediments into Morris Ravine.

My employment as General Manager with Mineral Resources began in mid November 2001. I had not fully become acquainted with all the facilities at the Morris Ravine mine site when in early December I experienced firsthand the problems with the erosion control measures that had been used at the entrance to the Schirmer Ravine Road. I was informed that construction had just been completed the week before I arrived. It was apparent to me as a professional with extensive experience in road construction that the slopes were too steep for the type of soil that was present at the entrance. It was also apparent that there was very little that could be done that late in the year to prevent continuing erosion without undertaking a major repair/rebuild effort.

After the first sizable rain event there were complaints from the local citizens about the turbidity leaving the entrance area and traveling down the roadside drain which entered into Morris Ravine and ultimately the Feather River. I tried to stop the runoff of sediment by constructing a check dam at the entrance that was approximately 5 feet deep with a pipe overflow. An official of the Butte County Public Works Department inspected the work.

The rainfall that occurred the last weekend in December was much greater than the previous storm events. Even the work that I had completed was inadequate to prevent erosion and the intensity of the runoff was great enough to cause failure of the cut slopes and even greater erosion than before. Mr. Scott Zaitz of the Regional Water Quality Control Board inspected the site on January 2nd during the height of

After his investigation of the site he informed me that he intended to issue a cleanup and Abatement Order and that it would arrive in the mail in approximately 3 weeks. I informed him that it was my intention to fix the problems that existed prior to my employment well before the arrival of that letter and I offered my ideas on how the problems could be abated. Mr. Zaitz discussed with me that it was not the policy of the Board to engineer solutions but that the measures I had proposed seemed reasonable especially in light of the ongoing erosion. On the following day the weather cleared and I immediately began work on the site one day after that. I did not know when the next rain event would occur so I used all the resources available onsite to construct the control measures I had proposed in as timely a manner as possible.

In two days I had backfilled the entrance and remastered the situation fences and hay bales. New interceptor ditches were constructed above the entrance to divert runoff from the disturbed areas. Straw was laid on all exposed surfaces to prevent erosion and to control runoff from the site. I constructed a holding pond on one of the ridges to collect the runoff from above the site. As with any mine site around the extremal boundaries of the mine site. I constructed a holding pond on one concurred I began constructing interceptor ditches on the other side of the road excavation occurs during the entire year. It became apparent that the storm water runoff pond that was constructed at the mine site was inadequate. During his visit to the site Mr. Zaitz found the water leaving the pond to be too turbid to be in a safe ty in case the first pond should fail and also as additional storage of the project as and to construct an additional stormwater pond at the lower reaches of the project's levee condition. I explained to him that it was my intent to repair the existing pond's levee collapse sending the contents down Mounds Ravine and adding to an already turbid runoff from the west side of Cherokee Road. The lower pond would thus serve to prevent turbid runoff from the entrance to Schirmer Ravine Road and the mine site a safety in case the first pond should fail and also as additional storage of the project as future erosion into the Feather River.

As we discussed during your visit, my background for the past 30 years has been experience with Stormwater Permits. It is my professional mining engineer with extensive in the mining industry. I am a registered professional mining engineer with extensive stormwater plan was inadequate from its inception. It is also my opinion that original topology and to move the entrance to a location just north of the original plans did not take into account the clay soils present at the entrance. I have in fact allowed for proper stormwater control measures to take effect and that the engorged construction on the Schirmer Ravine Road entrance occurred too late in the year to allow for proper stormwater control measures to take effect and that the engorged stormwater plan was inadequate from its inception. It is also my opinion that

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preclude the problems encountered at the present site. Moving the road entrance will also save three very large oak trees, which would had to have been removed to flatten the cut slopes at the original location. This new site should have been used originally. Plans for the pond that I constructed at the lower boundaries of the mine site should have been included in the initial design of the mine site and should have been constructed before any other disturbance to the mine site was allowed.

I understand now from our conversation at the mine site that I should have applied for a permit before constructing the pond. My thoughts at the time were to abate the erosion problem and finish construction before any additional rain events occurred. Since a smaller stormwater pond was already present at the location I chose, it never occurred to me that additional permits would be required. Time was of the essence and as it turned out we finished the lower pond 2 days before the next big storm. Mr. Zaitz inspected the site during that storm. I believe he was pleased with our efforts. The erosion had been controlled and the stormwater had been contained onsite. As an added benefit the newly constructed pond had collected stormwater runoff from adjacent properties not involved in the mining operation and had thus prevented the turbid water from entering the Morris Ravine Drainage.

I have endeavored to be concise but accurate in relating my efforts to abate the erosion problems. As part of the Abatement Order I was instructed to retain the services of an independent consultant to review the site and propose mitigation measures. The work I have described was completed before the consultant from MHM arrived. I have included a copy of their letter for your review. It is clear in their letter to the Regional Water Quality Control Board that they believe that the work I completed was necessary and prudent to mitigate the problems.

Respectfully,

Joe Chevreaux

- Pursuant to the provisions of the Zoning Ordinance of Butte County and the special conditions set forth below: Dean Taylor is hereby granted a Use Permit in accordance with application filed: July 23, 1993 to allow the mining of silica sand and aggregate (Unclassified) located on Cherokee, east of Shimer Ravine Road.
- Failure to comply with the conditions specified herein as the basis for the approval of application and issuance of Permit, constitutes cause for the revocation of said permit in accordance with the procedures set forth in the Butte County Zoning Ordinance, including Butte County Code Sec. 24-62.
- Unless otherwise provided for in a special condition to this use permit, all conditions must be completed by the Permittee within 12 months of the delivery of the counter-signed permit to the Permittee.
- If any use for which a use permit has been granted is not established within one year of the date of receipt of the counter-signed permit by the Permittee, the permit shall become null and void and reapplication and a new permit shall be required to establish the use.
- The terms and conditions of this permit shall run with the land and shall be binding upon and be to the benefit of the heirs, legal representatives, successors, and assigns of the Permittee.
4. The terms and conditions of this permit shall be to the benefit of the heirs, legal representatives, successors,
1. Prior to conducting mining activity on the property, a geotechnical and civil engineering design investigation shall be conducted and the report shall be approved by the County Engineer. This investigation shall evaluate site and pit slope stability under static and earthquake conditions; evaluate the following: a) Explore and evaluate soil stability conditions; b) bagging or berthing the perimeter to prevent drainage into channels, or use includes erosion control planting or covering of stockpiled soils, sand erosion control measures to be utilized during the mining operation. This prepared, in conjunction with mine measure 2, and provide for specific prepared, in conjunction with mine measure 2, and provide for specific
2. Prior to conducting mining activity on the property, a soils analysis and report shall be of filtration ponds.

#### SPECIAL CONDITIONS:

BUTTE COUNTY PLANNING COMMISSION

#### USE PERMIT

Exhibit C: Conditional Use Permit 93-36

Chevreaux Pond

Application to Approve Water by Permit Environmental Information

Mineral Resources, LLC

DATE: (Certified Mail Rec.)  
January 31, 1994

PERMIT NO.  
93-36

ASSSESSOR'S PARCEL NO.  
041-300-003 and 047  
041-220-050, 041-260-018.

- c) Determine the actual reclamation profile required to provide slope stability (e.g. the 2:1 cut slopes and the distance between benches).
- 3. Prior to beginning mining operations, the applicant shall obtain emissions and dust control permits from the Air Pollution Control District. A watering schedule to control dust on the site and Shirmer Ravine Road shall be submitted as part of the final Reclamation Plan.
- 4. Prior to beginning mining operations on the property, the applicant shall obtain permits from the Regional Water Control Board and submit engineering details of the crossing to the County Public Works Director. The applicant will also be required to contact the California Department of Fish and Game to determine if a streambed alteration permit is necessary for the channel crossing.
- 5. Prior to issuance of the mining permit, the applicant shall submit a detailed vegetation removal plan as part of the revised reclamation plan. This plan shall include a schedule detailing when and to what extent vegetation removal will occur.
- 6. Prior to conducting mining operations on the site, a vegetation replacement program shall be developed and include the following: a) A detailed survey conducted by a qualified botanist that identifies the total number of trees by species that will require removal; b) Develop a program under supervision of a qualified botanist to take cuttings or seeds from the native shrubs that occupy the mining area, and prepare a plan to utilize these materials in the reclamation of the site; c) A tree replacement ratio of 1:1 for all native trees with a two inch or less dbh (diameter measured at the breast height) and a 2:1 replacement for all trees with a dbh greater than two inches; d) A monitoring program that ensures a minimum replanting success rate of 80%.
- 7. Mining activities and truck transportation shall be limited to the hours of 7:00 a.m. to 6:00 p.m. during daylight savings time, or summer months, and 7:30 to 4:30 during the winter months, Monday through Friday. All equipment used in the operation shall be equipped with noise muffling devices.
- 8. Prior to beginning mining operations, the applicant shall construct the new intersection, public road approaches and site distance modifications, if needed, at Cherokee and Shirmer Ravine Roads, and a public road approach on Table Mountain Blvd. and Shirmer Ravine Road in accordance with the County Public Works Department standards. In addition, warning signs identifying a truck crossing shall be posted on Cherokee Road in accordance with County standards. If deemed necessary by the Director of Public Works, the applicant shall provide remedial work to provide an adequate turning radius at Garden Drive and Table Mountain Blvd.

9. Should any historic or prehistoric sites, features, artifacts, or human skeletal remains be discovered during the project development, activity shall cease until a qualified professional archaeologist has been consulted to assess the archaeological or historic significance.
10. No fuel shall be stored on the mining site. Fuel trucks are allowed to go to the mine site to refuel equipment as needed, but shall leave the mine site when refueling is complete.
11. Provide chemical toilets and portable water for drinking and hand washing per County Environmental Health requirements.
12. Prior to beginning mining operations, the applicant shall obtain waste discharge permits from the Regional Water Quality Control Board.
13. Meet the fire safe regulations of PRC 4290.
14. Prior to conducting mining operations, the applicant shall post warning signs identifying truck crossings on Table Mountain Blvd., for the intersection with Shrimper Ravine Road.
15. Applicant will repair any extensive damage which may occur to roadways as a result of heavy hauling. It is understood that permittee, at its own discretion and expense, may contract the services of a registered engineer to examine the subject roads before the job begins to aid in determining the extent of responsibility of damage in cooperation with Butte County Department of Public Works. Financial assurance of \$50,000.00 to guarantee the maintenance of County roads is also required.
16. No blasting is allowed on the property.
17. Prior to beginning mining operations, the applicant shall post a \$50,000.00 financial assurance in a form acceptable per state and county requirements that are broken, in disrepair, and not to be used in future operations, shall be promptly removed from the property.
18. Any construction materials, equipment, tires, or other mining related items prior to beginning mining operations of each phase, the exterior boundaries of the phase shall be clearly identified.
19. Prior to beginning mining operations of each phase, the exterior boundaries of the phase shall be clearly identified.
20. Prior to issuance of the Use Permit, Mining Permit and Reclamation Plan, a revised Final Reclamation Plan shall be submitted and include the following information:
- a. Identify the actual water use on the property for the operation.

- b. Two revised cross sections, one going north-south and one going east-west, illustrating the existing and finished topography after mining and reclamation has taken place. The cross sections shall be to scale, and large enough to provide an accurate representation of the site. See exhibit "A" of the December 23, 1993 staff report for an example.
  - c. A written description and a road map illustrating the truck transport route.
  - d. Incorporate information from the November 4, and September 25, 1993 letters from Dean Taylor into the final reclamation plan.
21. The mine operator shall submit Annual Reports and pay for the annual inspections per State and County regulations.
  22. Comply with all other State and local statutes, ordinances, and regulations.
  23. Prior to construction of the intersection at Cherokee and Shirmer Ravine Roads, the applicant shall contact the Department of Fish and Game to determine if a streambed alteration permit is necessary. The applicant shall also identify all oak trees that will be removed and replace trees in this area at the same ratio and success rate requirements as in condition 6.
  24. Preclude the use of the Ophir Road and Highway 70 intersection by southbound truck traffic going east to the plant site.
  25. Provide a visual landscape buffer along Cherokee Road that screens the mining site from the road to the extent possible and to the satisfaction of the Planning Division.

Note: Minor modifications may be approved administratively by the Director of Development Services or their designees upon receipt of a substantiated written request by the applicant. Prior to such approval, verification shall be made by each Department or Division that the modification is consistent with the applications, fees paid and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application for amendment.

I hereby declare under penalty of perjury that I have read the foregoing conditions, that they are in fact the conditions which were imposed upon the granting of this use permit, and that I agree to abide fully by said conditions.

Dated: 1/24/94

Dean Taylor  
Applicant

NOTE: Issuance of this Use Permit does not waive requirements of obtaining Building and Health Department permits before starting construction, nor does it waive any other requirements.

*John M. Ladd*  
Butte County Planning Commission Chairman  
Land Development Division

*John M. Ladd*  
Health Department  
Building Division  
Department of Forestry

CC: